

## An Act to amend the Law of Dower in Upper Canada.

**W**HEREAS it is expedient to render the acceptance or release of Dower compulsory in certain cases, and to provide for the payment of a compensation in money where improvements have been made upon lands after the husband in whose right Dower is claimed had parted with his estate therein: Therefore Her Majesty, &c., enacts as follows:

- I. Every demandant or person entitled to Dower of and in any hereditaments and real estate, whether at law or in equity, shall be compelled to accept an assignment of the same when tendered.
- II. In case dower is refused when tendered, the tenant of the freehold may file a petition in either of Her Majesty's Superior Courts of Common Law, or in the Court of Chancery in Upper Canada, in the manner prescribed by the Act passed in the twentieth year of the Reign of Her Majesty, chapter sixty-five, for affording relief to parties succeeding to the real estate of persons dying intestate, and may proceed thereupon in manner pointed out by the said Act, for the purpose of setting off the dower, and partitioning the estate accordingly.
- III. No demandant shall recover her Dower in law or equity of any buildings or improvements erected or made upon the lands of which Dower is claimed, after the time her husband (as whose widow she claims Dower) had parted with his estate in such lands.
- IV. In case any suit at law or in equity is brought to recover Dower of any lands of which the husband did not die seized, and on which improvements have been made after the husband so parted with his interest, the tenant of the freehold, or other party defending such action, may give notice to the demandant or her attorney that he will require the Court or Jury before whom the case is pending or is to be tried, in addition to the trial or disposal of the issues joined between the parties, in case the claim to Dower is found or admitted in the demandant, to assess an amount or sum of money as the actual value of the right of Dower of the demandant, (deducting the value of the buildings and other improvements so made since the husband had parted with his interest as aforesaid,) and to give a verdict and judgment, or decree, that the demandant shall recover her Dower or the amount assessed therefor as damages at the election of the tenant, and which election shall be entered by way of a proceeding in the suit or cause before the final judgment is actually signed, or before such other time as the Court shall order.

Person entitled to dower, must accept assignment thereof.

If assignment is refused, tenant in freehold may apply for partition, under 20 V. c. 65.

No dower on improvements after husband parted with the land.

In proceedings for dower, the tenants may require its value in money to be fixed, to be paid, at his election, as damages.